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CONCORD, N.H.

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Dear Mr. Barry:

In your communication of March 28, 1958, you asked our opinion as to whether the pro rata share of the administrative costs of the OASI program with respect to employees of local school districts is properly a charge upon the appropriation contained in Laws 1957, chapter 48, section 8. This section is as follows:

"Appropriation for Administrative Costs. The sum of three thousand dollars, or so much thereof as may be required, is hereby appropriated for the purpose of meeting the state's pro rata share of administrative costs, with respect to its own employees hereunder, and the governor is authorized to draw his warrants for the sum hereby appropriated out of any money in the treasury not otherwise appropriated." [emphasis added]

The general provision requiring payment of a pro rata share of administrative costs by the State and its political subdivisions is RSA 101:7 (supp) as amended by Laws 1955, 92:2. Under this section the state agency is authorized to certify to state departments and to political subdivisions the pro rata share due, based upon the required wage contribution.

In our opinion the pro rata share certified with respect to employees of the local school districts is not a charge upon the appropriation contained in Laws 1957, 48:8. This section is deemed to authorize the payment of the State's pro rata share with respect to its own employees and it cannot be construed of authorizing payment of the pro rata share with respect to employees of the political subdivisions.

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Mr. James J. Barry, Commissioner

The wording of this section is clear and unambiguous. Though, as you suggest, the sum appropriated is far in excess of a pro rata share based upon contributions required of the State on behalf of its own employees we cannot undertake by interpretation to justify expenditures for purposes not included in the statute.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

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